

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: )  
 ) CHAPTER 7  
MARIANNE ELIZABETH DETLING ) CASE NO. 19-55422-wlh  
 )  
Debtor. )

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**SECOND MOTION TO EXTEND LIMITATIONS  
PERIOD PURSUANT TO 11 U.S.C. §546**

Cathy L. Scarver, as Chapter 7 Trustee (the “Trustee”) for the estate of the above-stated debtor, Marianne Elizabeth Detling (the “Debtor”), by and through counsel, files this Second Motion to Extent Limitations Period Under 11 U.S.C. §546. In support, the Trustee respectfully states as follows:

1.

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§157 and 1334 and the Standing Order of Reference of the United States Bankruptcy Court for the Northern District of Georgia. This is a core proceeding under 28 U.S.C. §157(b).

2.

The Debtor, Marianne Elizabeth Detling, filed a Chapter 7 Petition in this Court on April 4, 2019 (the “Petition Date”). Cathy L. Scarver was subsequently appointed Chapter 7 Trustee.

3.

The Trustee has conducted, and is continuing to conduct, an investigation of the financial affairs of the Debtor in order to determine whether funds may be available for distribution to the creditors and whether the Trustee may have claims and causes of action against Debtor or non-debtors.

4.

The initial statute of limitations for avoidance actions was April 4, 2021, or two years after the Petition Date, pursuant to 11 U.S.C. §546. On April 5, 2021, the Court entered a Consent Order extending the statute of limitations for certain claims to June 3, 2021. *See* Dkt.No. 71.

5.

The Trustee has asserted a claim against the Debtor regarding a bank account held in the name of the Debtor, as custodian of her minor child, established pursuant to the Georgia Transfers to Minors Act. The Trustee and Debtor preliminarily reached a settlement subject to the execution of a written settlement agreement and approval by the Court. Prior to executing the written agreement and turning over the settlement funds, Debtor filed a Motion to Convert to Chapter 13. *See* Dkt. Nos. 75, 76. The hearing is scheduled for June 10, 2021, after the expiration of the limitations period.

6.

The Trustee requests that based on the facts set forth herein it is in the interests of the estate, creditors and justice to extend the statute of limitations an additional ninety-days, through and including September 1, 2021, as to avoidance and turnover claims against the Debtor, individually and as Custodian.

WHEREFORE Cathy L. Scarver, Chapter 7 Trustee, requests that the Court enter an Order extending the statute of limitations of 11 U.S.C. § 546 through and including September 1, 2021.

Respectfully submitted this 3rd day of June 2021.

/S/

Scott B. Riddle, Esq.

GA Bar 604855

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*Counsel for Chapter 7 Trustee*

## CERTIFICATE OF SERVICE

This is to certify that I have caused this day to be served a true and correct copy of the foregoing *MOTION TO EXCTEND STATUTE OF LIMITATIONS* by depositing same in United States Mail in a properly addressed envelope with adequate postage thereon to:

Marianne Elizabeth Detling  
188 Pinehurst Lane  
Marietta, GA 30068

David A. Cox  
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United States Attorney's Office  
Northern District of Georgia  
75 Ted Turner Drive SW, Suite 600  
Atlanta, GA 30303

This 3rd day of June 2021.

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/S/  
Scott B. Riddle, Esq.